

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

WAYNE D. MCDUFFIE,

Defendant.

NO. CR-08-102-RHW

**ORDER DENYING DEFENDANT'S
MOTION FOR RECONSIDERATION**

Before the Court is Defendant's Motion for Reconsideration (Ct. Rec. 158). This motion was heard on an expedited basis without oral argument. Defendant argues that the Court committed clear error in finding that a search warrant for Defendant's residence was supported by probable cause (Ct. Rec. 157). In the challenged order, the Court did not separately analyze the issue but incorporated the reasoning of a previous order (Ct. Rec. 65). As noted in that order, the affidavit supporting the search warrant reports that when Defendant was arrested on November 30, 2007, officers found a drug scale and small quantities of crack cocaine and marijuana. The affidavit also reports that based on this evidence a warrant was issued for Defendant's arrest, for possession of crack cocaine. The affidavit further reports that officers found crack cocaine, wrapped in plastic, in two separate locations in Defendant's vehicle on June 13, 2008. Finally, the affidavit contains numerous pieces of information suggesting that Defendant resided at the apartment that was the subject of the search warrant. These facts provide probable cause to believe that crack cocaine and the other items listed in the warrant would be found in Defendant's residence, and that Defendant in fact resided at the apartment in question. *See United States v. Pitts*, 6 F.3d 1366, 1369 (9th Cir. 1993). Therefore, the

1 Court finds no clear error in its order denying Defendant's motion to suppress.

2 Accordingly, **IT IS HEREBY ORDERED** that Defendant's Motion for
3 Reconsideration (Ct. Rec. 158) is **DENIED**.

4 **IT IS SO ORDERED.** The District Court Executive is hereby directed to enter
5 this Order and furnish copies to counsel.

6 **DATED** this 15th day of July, 2009.

7 *S/ Robert H. Whaley*

8 **ROBERT H. WHALEY**

9 Senior United States District Judge

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